

Honorable Kymberly K. Evanson

**COURT'S RULINGS ON OBJECTIONS TO
DESIGNATIONS OF DEPOSITION EXCERPTS (DKT. NO. 94)**

Deposition of Larry Roemmich dated March 10, 2020

PAGE / LINE NO.	NATURE OF OBJECTION	RESPONSE	COURT'S RULING
9:12-14	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant background information of witness. Hearsay exception 804(b)(1)	OVERRULED (hereinafter "O")
25:8-26:6	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Mr. Roemmich's work history at PSNS. Hearsay exception 804(b)(1)	O
26:9-16	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Mr. Roemmich's work history at PSNS. Hearsay exception 804(b)(1)	O
26:21-27:4	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Mr. Roemmich's work history at PSNS. Hearsay exception 804(b)(1)	O
28:2-5	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Mr. Roemmich's work history at PSNS. Hearsay exception 804(b)(1)	O
30:3-7	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Mr. Roemmich's work history at PSNS. Hearsay exception 804(b)(1)	O
40:6-13	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Mr. Roemmich's work history at PSNS. Hearsay exception 804(b)(1)	O
40:18-41:4:	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Mr. Roemmich's work history at PSNS. Hearsay exception 804(b)(1)	O

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47:1-21	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Mr. Roemmich's work history at PSNS, working on various ships such as the <i>USS Sacramento</i> . Hearsay exception 804(b)(1)	O
48:4-13	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1). D	US: Relevant regarding Mr. Roemmich's work history at PSNS, including work on various ships. Hearsay exception 804(b)(1)	O
48:17-25	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Mr. Roemmich's work history at PSNS, including work on various ships and what work was done on ships including his time on the <i>USS Sacramento</i> Hearsay exception 804(b)(1)	O
62:25-63:10	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Mr. Roemmich's work history at PSNS, including work on various ships and ripout he performed. Testifying from first hand knowledge. Hearsay exception 804(b)(1)	O
64:10-23	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Mr. Roemmich's work at PSNS, including work on various ships (AOE-3) and ripout he performed. Witness testifying from first hand knowledge. Hearsay exception 804(b)(1)	O
66:22-67:23	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Asbestos control measures at PSNS. Hearsay exception 804(b)(1)	O
68:5-9	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Asbestos control measures and instructions given at PSNS. Hearsay exception 804(b)(1)	O
68:17-25	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Witness testifying from firsthand knowledge. Relevant regarding Asbestos control measures and instructions given at PSNS. Hearsay exception 804(b)(1)	O
69:6-8	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).		O

PAGE / LINE NO.	NATURE OF OBJECTION	RESPONSE	COURT'S RULING
75:19-76:8	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding how often ripout would occur at PSNS. Witness testifying from firsthand knowledge. Hearsay exception 804(b)(1)	O
78:3-16	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding asbestos control measures at PSNS. Witness testifying from firsthand knowledge. Hearsay exception 804(b)(1)	O
80:21-81:18	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding asbestos control measures at PSNS including between 1970-1972. Hearsay exception 804(b)(1)	O
81:21-82:11	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding asbestos control measures at PSNS including between 1970-1972. Hearsay exception 804(b)(1)	O
86:3-11	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant- air monitoring on ships, testifying from firsthand knowledge. Hearsay exception 804(b)(1)	O
129:16-22	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding asbestos control measures at PSNS in 1972. Witness testifying from firsthand knowledge. Hearsay exception 804(b)(1)	O
143:4-144:7	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant discussion of asbestos containing materials at PSNS during the relevant time. Witness is testifying from firsthand knowledge. Hearsay exception 804(b)(1)	O
145:11-17	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1)	US: Relevant discussion of witness's work history at PSNS. Witness is testifying from firsthand knowledge. Hearsay exception 804(b)(1)	O
150:14-16	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant discussion of who would clean up after work at PSNS. Witness is testifying from firsthand knowledge. Hearsay exception	O
152:22-153:6	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant discussion of training at PSNS as early as 1970. Witness is testifying from firsthand knowledge. Hearsay exception 804(b)(1)	O

PAGE / LINE NO.	NATURE OF OBJECTION	RESPONSE	COURT'S RULING
183:17-184:4	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant discussion of asbestos control measures at PSNS as early as 1972. Witness is testifying from firsthand knowledge. Hearsay exception 804(b)(1)	O
184:9-14	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant discussion of asbestos control measures at PSNS as early as 1972. Witness is testifying from firsthand knowledge. Hearsay exception 804(b)(1)	O
184:23-185:12	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant discussion of asbestos control measures at PSNS as early as 1972. Witness is testifying from firsthand knowledge. Hearsay exception 804(b)(1)	O
192:15-18	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant discussion of OSHA safety rules as early as 1972. Witness is testifying from firsthand knowledge. Hearsay exception 804(b)(1)	O
193:11-13	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant discussion of safety meetings that would occur at PSNS Witness is testifying from first hand knowledge. Hearsay exception 804(b)(1)	O

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OBJECTIONS TO DESIGNATIONS OF DEPOSITION EXCERPTS

Samuel H. Barboo September 18, 1979

PAGE / LINE NO.	NATURE OF OBJECTION	RESPONSE	COURT'S RULING
5:19-21	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant, Hearsay exception 804(b)	O
6:3-8:1	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant background, Hearsay exception 804(b)	O
9:4-12	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant background, Hearsay exception 804(b)	O
9:18-25	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant background, Hearsay exception 804(b)	O
10:6-14	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant background, Hearsay exception 804(b)	O
10:19-11:13	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant background, Hearsay exception 804(b)	O
23:1-9	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant background, Hearsay exception 804(b)	O
24:9-14	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant background, Hearsay exception 804(b)	O
41:21-42:6	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Captain Barboo's site visits to Shipyards. Hearsay exception 804(b)(1)	O

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44:19-45:2	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Captain Barboo's site visits to Shipyards. Hearsay exception 804(b)(1)	O
47:21-48:8	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Captain Barboo's site visits to Shipyards. Hearsay exception 804(b)(1)	O
48:14-25	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Captain Barboo's site visits to Shipyards. Hearsay exception 804(b)(1)	O
49:3-13	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Captain Barboo's site visits and asbestos control procedures across the Navy. Hearsay exception 804(b)(1)	O
50:21-51:8	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Regarding Captain Barboo's site visits and asbestos control procedures at PSNS. Hearsay exception 804(b)(1)	O
55:5-12	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Captain Barboo's site visits and asbestos control procedures at PSNS. Hearsay exception 804(b)(1)	O
62:23-63:13	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Captain Barboo's site visits and asbestos control procedures at PSNS. Hearsay exception 804(b)(1)	O
63:16	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1)		O
63:20-24	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Captain Barboo's site visits and asbestos control procedures at PSNS and requests from Industrial Hygienists at PSNS. Hearsay exception 804(b)(1)	O
64:6-11	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Captain Barboo's site visits and asbestos control procedures at PSNS. Hearsay exception 804(b)(1)	O
64:23-65:5	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Captain Barboo's site visits and asbestos control procedures at PSNS. Hearsay exception 804(b)(1)	O

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65:16-66:4	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding Captain Barboo's site visits and asbestos control procedures at PSNS. Hearsay exception 804(b)(1)	O
66:10-21	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding BUMED instructions. Hearsay exception 804(b)(1)	O

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OBJECTIONS TO DESIGNATIONS OF DEPOSITION EXCERPTS

Samuel H. Barboo September 22, 1980

PAGE / LINE NO.	NATURE OF OBJECTION	RESPONSE	COURT'S RULING
4:7-8	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant background and foundational information. Hearsay exception 804(b)(1)	O
6:10-7:20:	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant background and foundational information. Hearsay exception 804(b)(1)	O
7:24-8:19	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant background and foundational information of witness. Hearsay exception 804(b)(1)	O
9:3-28	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant background and foundational information of witness. Hearsay exception 804(b)(1)	O
10:11-12:28	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant background and foundational information of witness regarding director of Industrial Hygiene and coming into contact with asbestos related concerns. Hearsay exception 804(b)(1)	O
14:20-28	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant Background and foundational information of witness re Director of Industrial Hygiene and coming into contact with asbestos related concerns. Hearsay exception 804(b)(1)	O
36:4-37:9	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding witness's trip to PSNS and what was observed. Testifying to firsthand knowledge. Hearsay exception 804(b)(1)	O
38:14-18	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding what witness observed at PSNS in regard to asbestos control procedures. Hearsay exception 804(b)(1)	O

PAGE / LINE NO.	NATURE OF OBJECTION	RESPONSE	COURT'S RULING
40:13-23	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant regarding information witness would have circulated concerning his visit to PSNS and observation of asbestos control measures. Testifying to firsthand knowledge. Hearsay exception 804(b)(1)	O
97:12-100:20	US: Relevance, discussion of Norfolk Shipyard, and Long Beach Shipyard. Further irrelevant discussion of Boilermakers, steamfitters, pipe fitters etc.	Plaintiff: Relevant based on the United States' proffered argument that regulations were not mandatory without a "local implementing instruction."	O
106:23-108:1	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant discussion of papers presented in conjunction with his visit to PSNS and observing their exemplary asbestos controls. Hearsay exception 804(b)(1)	O
108:5-12	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).		O
108:22-23	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).		O
108:28-109:3	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).		O
112:15-21	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant discussion of papers presented in conjunction with his visit to PSNS and observing their exemplary asbestos controls. Hearsay exception 804(b)(1)	O
137:8-138:9	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant discussion of witness's visit to PSNS and comparison of asbestos control procedures at other shipyards. Hearsay exception 804(b)(1)	O
138:14-17	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant discussion of witness's visit to PSNS and comparison of asbestos control procedures at other shipyards. Hearsay exception 804(b)(1)	O

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OBJECTIONS TO DESIGNATIONS OF DEPOSITION EXCERPTS

Samuel H. Barboo December 8, 1981

PAGE / LINE NO.	NATURE OF OBJECTION	RESPONSE	COURT'S RULING
5:17-18	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant background/ foundational information, Hearsay exception 804(b)(1)	O
6:16-19	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant background/ foundational information, Hearsay exception 804(b)(1)	O
22:16-17	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).		O
79:2-14	Plaintiff: Relevance, hearsay to which no exception applies, and inconsistent with FRCP 32(a)(1).	US: Relevant to PSNS asbestos control procedures. Hearsay exception 804(b)(1)	O